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Hiroshi Shirakawa

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10/06/2006

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EXAMINER

HAVAN, THU THAO

ART UNIT

PAPER NUMBER

3691

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/773,913

Applicant(s)

SHIRAKAWA ET AL.

Examiner

Thu Thao Havan

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Response to Amendment

Claims 1-23 are pending. This action is in response to the amendment received June 23, 2006.

Response to Arguments

Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **1-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Zandi (US 5,966,699) in view of King (US 5,742,775) and further in view of Chien (US 2002/0120557).

Re claims **1** and **15**, Zandi teaches an auction system comprising (col. 2, lines 12-14):
a section configured to input a plurality of potential lending offers each including a desired lending amount and a desired lending interest (col. 9, lines 1-32); and

a section configured to perform between the potential borrowing requests and the potential lending offers on the basis of the respective maximum allowable interests and desired lending interests and to make the desired lending amount of a potential lending offer extracted to the desired borrowing amount of a potential borrowing request (col. 5, lines 4-37).

However, Zandi does not explicitly teach a section configured to input a plurality of potential borrowing requests each including a desired borrowing amount and a medium allowable interest. On the other hand, King discloses a section configured to input a plurality of potential borrowing requests each including a desired borrowing amount and a medium allowable interest when he discloses paying loan agreements between a lender and borrower providing for repayment of the loan together with interest at a periodically adjusted rate based on the terms of the agreement (col. 7, lines 62 to col. 8, line 44; col. 14, lines 8-60; figs. 2, 6a-6c, and 6j). King discloses the borrower may transfer from the administrative account a percentage of the principal or other annual amount. In figures 6a-6c, King discloses borrower and lender agree upon the principal balance and term, an initial interest period and initial interest rate, as well as a minimum rate of interest, compounding and interest rate crediting dates, and principal and interest payment dates. Thus, it would have been obvious to one of ordinary skill in the art to configure a desired borrowing amount and a medium allowable interest based on the loan requested application as discloses in King.

Furthermore, both Zandi and King do not explicitly teach a matchmaking section. On the other hand, Chien discloses a matchmaking section (para. 0026 and 0006-0007).

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Chien discloses automatic matching and arbitrations of financing transactions among members of a financing group. Thus, it would have been obvious to one of ordinary skill in the art to construct a matchmaking section based on the loan requested application as discloses in Chien.

Re claims **2** and **14**, Zandi, King, and Chien teach a method as claimed in claims 1 and 15 above. Therefore the rationale applied in the rejection of claims 1 and 15 applies herein. In addition, Zandi teaches an auction system comprising (col. 2, lines 12-14):

a borrowing request storage section configured to register the potential borrowing request (fig. 2: register corresponds to authorizer in order to enter a web auction system);

a lending intermediacy configured to receive a plurality of potential lending offers each including a desired lending amount and a desired interest or a rule capable of calculating the desired interest (col. 9, lines 1-32);

a lending offer storage section configured to register the potential lending offers (fig. 4A); and

a matchmaking section configured to select a set of successful bids in ascending order of the desired interests from the potential lending offers within a range not more than the maximum allowable interest until the desired borrowing amount is satisfied (col. 5, lines 4-37).

Re claims **3-4**, **10-12**, **16-17**, and **19-21**, Zandi teaches a background information storage section configured to store background information of the potential borrowing request and a section configured to allow entities of the potential lending offers to read the background information of the potential borrowing request (col. 2, lines 15-61) and a risk

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calculation section configured to calculate a risk of the potential borrowing request from the background information (col. 8, lines 56-60). *Zandi calculates risk factors by initially denying or accepting the borrower's application for a loan.*

Re claim **5**, Zandi teaches allow entities of the potential lending offers to designate a calculation condition (col. 9, lines 33-48). *Zandi discloses a calculation condition by permitting a lender to withdraw from a previously offer if initial conditions of borrower's are not met.*

Re claims **6-7, 13, and 18**, Zandi teaches calculate a default rate of the entity of the potential borrowing request on the basis of the accounting information and each of the potential lending offers includes a maximum allowable risk, and the system further comprises a screening section configured to select a potential lending offer for which the risk calculated by the risk calculation section falls within a range of the maximum allowable risk from the potential lending offers (col. 8, lines 1-16).

Re claims **8-9**, King teaches a repayment totalizing section configured to calculate a total a repayment amount for each repayment maturity of a single borrower and a dividend calculation/totalizing section configured to calculate a total dividend amount formed from a total of interests and principals for each divided period of a single lender (figs. 2-4 and 7e).

Re claims **22-23**, Zandi, King, and Chien teach a method as claimed in claims 1 and 15 above. Therefore the rationale applied in the rejection of claims 22-23 applies herein. In addition, Chien discloses a computer readable medium when he discloses a computerized network (para. 0020-0022 and 0060).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).



Thu Thao Havan
Art Unit: 3624
10/2/2006